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**FORTIETH LEGISLATIVE DAY
FRIDAY, FEBRUARY 18, 2005**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Brandt and Sweet, absent and formally excused by the Chair; and Senators Burkett, Noble, and Stegner, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Nicole Polatis, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 17, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Burkett and Noble were recorded present at this order of business.

February 18, 2005

The JUDICIARY AND RULES Committee reports that **S 1150, S 1151, S 1152, S 1153, S 1154, and S 1155** have been correctly printed.

DARRINGTON, Chairman

S 1150 was referred to the State Affairs Committee.

S 1151 and S 1152 were referred to the Local Government and Taxation Committee.

S 1153 and S 1154 were referred to the Health and Welfare Committee.

S 1155 was referred to the Judiciary and Rules Committee.

February 17, 2005

The TRANSPORTATION Committee reports out **H 51, S 1080, S 1081, and S 1083** with the recommendation that they do pass.

BRANDT, Chairman

H 51, S 1080, S 1081, and S 1083 were filed for second reading.

February 17, 2005

The HEALTH AND WELFARE Committee reports out **S 1141 and S 1142** with the recommendation that they do pass.

COMPTON, Chairman

S 1141 and S 1142 were filed for second reading.

February 18, 2005

The STATE AFFAIRS Committee reports out **HCR 6 and H 59** with the recommendation that they do pass.

BURTENSHAW, Chairman

HCR 6 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

H 59 was filed for second reading.

February 18, 2005

The EDUCATION Committee reports out **S 1149 and S 1094** with the recommendation that they do pass.

GOEDDE, Chairman

S 1149 and S 1094 were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

February 17, 2005

Mr. President:

I transmit herewith **H 126** which has passed the House.

JUKER, Chief Clerk

H 126 was filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, the Commerce and Human Resources Committee report, relative to the Gubernatorial appointment of R. John Taylor as a member of the Idaho Endowment Fund Investment Board, retained its place on the calendar.

The President Pro Tempore announced the Local Government and Taxation Committee report relative to the Gubernatorial appointment of David E. Kinghorn was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Hill, seconded by Senator Stennett, the Gubernatorial appointment of David E. Kinghorn as a member of the Board of Tax Appeals was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

Senator Stegner was recorded present at this order of business.

The President Pro Tempore announced the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Jim Tibbs was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Darrington, seconded by Senator Kelly, the Gubernatorial appointment of Jim Tibbs as a member of the State Board of Correction was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Davis, granted by unanimous consent, the Gubernatorial appointment of R. John Taylor was placed before the Senate at this time.

The President Pro Tempore announced that the Commerce and Human Resources Committee report, having been held, relative to the Gubernatorial appointment of R. John Taylor was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Stegner, seconded by Senator Burkett, the Gubernatorial appointment of R. John Taylor as a member of the Idaho Endowment Fund Investment Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

H 126, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1065, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

H 66, by Resources and Conservation Committee, was read the second time at length and filed for third reading.

S 1104, by Local Government and Taxation Committee, was read the second time at length and filed for third reading.

S 1066, by Education Committee, was read the second time at length and filed for third reading.

H 11, as amended in the Senate, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

S 1039, as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1074, as amended, and **S 1076**, as amended, by State Affairs Committee, were read the second time at length and filed for third reading.

S 1063, as amended, **S 1062**, as amended, and **S 1071**, as amended, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

S 1057, as amended, by Transportation Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

H 29 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Call of the Senate was requested by Senators Darrington, Little, and Stennett.

Whereupon the President Pro Tempore ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

Roll call showed all members present except Senators Brandt and Sweet, absent and formally excused.

On request by Senator Darrington, granted by unanimous consent, the Call was lifted.

The question being, "Shall **H 29** pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Brandt, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 29** passed, title was approved, and the bill ordered returned to the House.

H 31 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Brandt, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 31** passed, title was approved, and the bill ordered returned to the House.

S 1050 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Brandt, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1050** passed, title was approved, and the bill ordered transmitted to the House.

S 1092 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Brandt, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1092** passed, title was approved, and the bill ordered transmitted to the House.

S 1034 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Brandt, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1034** passed, title was approved, and the bill ordered transmitted to the House.

S 1035 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Brandt, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1035** passed, title was approved, and the bill ordered transmitted to the House.

S 1061 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Brandt, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1061** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:15 p.m. until the hour of 10:45 a.m., Monday, February 21, 2005.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary